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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KELLY JACKSON, an individual,

Plaintiff,

vs.

NYE COUNTY *ex rel.* NYE COUNTY
SHERRIFF'S OFFICE; ANTONIO M.
MEDINA

Defendants.

Case No: 2:16-cv-03022-RFB-VCF

**STIPULATION AND ORDER TO EXTEND DEADLINES SET FORTH IN JOINT
DISCOVERY PLAN AND SCHEDULING ORDER (Fourth Request)**

THE PARTIES HEREBY STIPULATE AND AGREE by and between Plaintiff KELLY JACKSON, by and through counsel of record Matthew Q. Callister, Esq. and Mitchell S. Bisson, Esq., of the law firm of Callister Law Group, and Defendant NYE COUNTY *ex rel.* NYE COUNTY SHERRIFF'S OFFICE, by and through counsel of record Rebecca Bruch, Esq., of the law firm of Erickson, Thorpe & Swainston, LTD., that, in accordance with LR 7-1 and 26-4 of the Local Rules of Practice for the United States District Court, District of Nevada, the Court's May 21, 2018 Order to Extend Deadlines Set forth in the Order to Extend Discovery Deadlines (Third Request) (Doc No. 40) be amended and deadlines, as listed below, be extended ninety (90) days from the currently scheduled dates. This is the fourth request to extend the deadlines by the parties.

This request includes extensions of the deadline to complete discovery under Rule 26(a)(2), dispositive motions, the interim status report, and Joint Pretrial Order. The present and proposed new dates for these deadlines are set forth in Section D below. The extension is necessary to accommodate the completion of necessary depositions.

A. STATEMENT SPECIFYING DISCOVERY COMPLETED (LR 26-4(a))

The Rule 26(f) conference was held on April 19, 2017. Following the Rule 26(f) conference, the proposed Joint Discovery Plan and Scheduling Order was filed on May 2, 2017. The Court approved the proposed Discovery Plan and Scheduling Order on May 10, 2017. Defendant exchanged initial disclosures on July 18, 2017. Plaintiff exchanged initial disclosures on November 9, 2017. On November 22, 2017, the Court approved a Stipulation to Extend Deadlines Set Forth in the Joint Discovery Plan and Scheduling Order (First Request).

On June 22, 2017, Defendant propounded Interrogatories upon Plaintiff, which Plaintiff responded to on July 31, 2017, Defendant propounded Notice of Deposition upon Plaintiff which was set for October 13, 2017. Plaintiff requested the October 13, 2017, deposition to be vacated because of ongoing medical issues as well as trauma caused by her attendance at the Route 91 shooting in Las Vegas. On February 9, 2018, Defendant commenced Plaintiff's deposition, but was not able to complete the deposition because Plaintiff had not yet produced certain documents upon which she had relied in this case. On February 13, 2018, Defendant propounded Requests for Production of Documents on Plaintiff. On March 1, 2018, Defendant supplemented its FRCP 26 disclosures. On March 9, 2018 the Court approved a Stipulation to Extend Deadlines Set Forth in the Joint Discovery Plan and Scheduling Order (Second Request). Defendant propounded supplemental Interrogatories on Plaintiff on May 7, 2018. On May 21, 2018, the Court approved a Stipulation to Extend Deadlines Set Forth in the Joint Discovery Plan and Scheduling Order (Third Request).

On April 4, 2018, Plaintiff propounded Interrogatories and Requests for Production on Defendant, which Defendant responded to the Requests for Production on June 4, 2018 and the Interrogatories on June 12, 2018.

On July 17, 2018, Plaintiff commenced the deposition of the Person Most Knowledgeable for Defendant. Defendant propounded Notice of Deposition of Plaintiff continuing Plaintiff's deposition, which is set for July 20, 2018.

B. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED (LR26-4 (b))

Plaintiff needs to supplement its witness disclosures. Defendant needs to supplement its response to Requests for Production and Interrogatories propounded by Plaintiffs on April 4, 2018. Due to time constraints, the depositions of Plaintiff and Defendant's 30(b)(6) witness were not completed and are set to recommence on July 20, 2018. In light of the testimony given by Defendant's FRCP 30(b)(6) witness during her deposition on July 17, 2018, Plaintiff needs to depose six additional witnesses whose testimony is necessary to the defense of Plaintiff's claims. Three of the depositions include former and current governmental officials who have been identified as persons more knowledgeable on several FRCP 30(b)(6) topics discussed in the July 17, 2018 deposition.

C. REASONS FOR REQUESTED EXTENSION (LR26-4 (c))

The parties attended and participated in an ENE on July 27, 2017, but there was no settlement.

Defendant commenced the deposition of Plaintiff on February 9, 2018. During said deposition discoverable yet undisclosed information was introduced by Plaintiff. Plaintiff is in the process of preparing supplemental disclosures. Plaintiff's continued deposition is currently set for July 20, 2018. Plaintiff commenced the deposition of the PMK for Defendant on July 17, 2018, which was unable to conclude. Plaintiff needs additional time for a continued deposition of the PMK for Defendant, three individuals identified as 30(b)(6) witnesses and three percipient witnesses. Calendaring conflicts within the time allotted for close of discovery have presented subsequent obstacles to completing necessary depositions. Therefore, this request is necessary to allow time for the parties to move forward with discovery.

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D. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY (LR26-4 (d))

Pursuant to LR 26-4, the parties propose to extend the current deadlines and jointly submit the following to the Court:

1. **Discovery Cut-Off Date:** The current deadline to complete discovery is July 31, 2018. The parties propose extending the discovery deadline by 90 days, which will make the new deadline to complete discovery October 29, 2018 (Monday);
2. **Interim Status Report:** The current deadline to file a Joint Interim Status Report was June 1, 2018 (Friday). The parties propose extending this deadline 90 days, which will make a Joint Interim Status report due: August 30, 2018 (Thursday);
3. **Dispositive Motions:** The current last date to file dispositive motions is no later than thirty (30) days after the discovery cut-off date, or August 31, 2018. The parties propose extending this deadline 90 days, which will make the last date to file dispositive motions November 29, 2018 (Thursday);
4. **Pre-Trial Order:** The current date the parties shall file the joint pretrial order is no later than thirty (30) days after the dispositive-motion deadline, or October 1, 2018. The parties propose extending this deadline 90 days, which will make the joint pretrial order due by December 31, 2018 (Monday) (if dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order).
5. **Pre-Trial Disclosures:** Parties will make their pretrial disclosures at least thirty (30) days before trial. Within fourteen (14) days after they are made, unless the court sets a different time, a party may serve and promptly file a list of the following objections: any objections to the use under FRCP 32 (a) of a deposition designated by another party under FRCP 26 (a) (3) (A) (ii); and any objection, together with the grounds for it, that may be made to the admissibility

1 of materials identified under FRCP 26 (a) (3) (A) (iii). An objection not so made
2 – except for one under Federal Rule of Evidence 402 or 403 - - - is waived unless
3 excused by the court for good cause.

4 DATED this 18th day of July, 2018.

5 **CALLISTER LAW GROUP**

6
7 /s/ Matthew Q. Callister

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14 *Attorneys for Plaintiff*

DATED this 18th day of July, 2018.

ERICKSON, THORPE & SWANTON, LTD

/s/ Rebecca Bruch

REBECCA BRUCH, ESQ.

Nevada Bar No. 007289

99 West Arroyos Street

Reno, Nevada 89509

Attorneys for Defendant Nye County

ORDER

IT IS SO ORDERED.

DATED this 31st day of July, 2018.


UNITED STATES MAGISTRATE JUDGE